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11 *Wells Fargo Bank, N.A.*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

11 RODNEY HOLT, an individual

12 Plaintiff,

13 vs.

14 WELLS FARGO BANK, N.A.; NATIONAL
15 DEFAULT SERVICING CORP.; and DOES
16 individuals 1 to 100, Inclusive; and ROES
17 Corporations 1 to 30, Inclusive; and all other
18 persons and entities unknown claiming any
19 right, title, estate, lien or interest in the real
20 property described in the Complaint adverse to
21 Plaintiff's ownership, or any cloud upon
22 Plaintiff's title thereto,

21 Defendants.

Case No.: 2:11-cv-01984

**ORDER GRANTING DEFENDANTS
WELLS FARGO BANK, N.A.'S
MOTION TO DISMISS AND MOTION
TO EXPUNGE LIS PENDENS**

23 Pursuant to this honorable Court's Order entered February 21, 2012, Wells Fargo Bank,
24 N.A.'s Motion to Dismiss Plaintiff's Complaint (Docket No. 5), and Motion to Expunge Lis
25 Pendens (Docket No. 7), and National Default Servicing Corporations Motion to Dismiss
26 (Docket No. 12) the Court having reviewed the pleadings and papers on file, being fully advised
27 in the premises, having heard the arguments of counsel, and good cause appearing therefore,
28 finds that Defendants are entitled to the relief requested.

1 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Motion to
2 Dismiss and Expunge Lis Pendens is pursuant to F.R.C.P. 12(b)(6) for failure to state a claim
3 upon which relief can be granted.

4 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Remand (Docket No. 13) and
5 Plaintiff's Emergency Motion for Declaratory Relief (Docket No. 32) are DENIED.

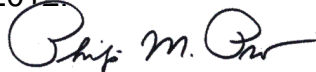
6 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Notice Of
7 Pendency of Action or Lis Pendens' recorded by Plaintiff on September 29, 2011 bearing
8 Instrument Number 201109290003378 in the Official Records of Clark County Nevada, relating
9 to this action and the real property that is the subject of this action, located at 2259 Buckingham
10 Court, Henderson, NV 89074 (hereinafter "Property") legally described as:

11 THE FOUNTAINS UNIT NO.2, PLAT BOOK 41, PAGE 49, LOT 64, BLOCK 02
12 AND BY CERTIFICATE OF RECORD ON 8/09/2001 IN BOOK 20010809 AS INST.
13 NO. 01389 ALL IN THE OFFICE OF THE COUNTY RECORDER FOR CLARK
14 COUNTY, NEVADA, A.P.N. 178-07-711-012,

15 is hereby cancelled, and this cancellation shall have the effect of an expungement
16 pursuant to NRS 14.015 and from this day forward have no force or effect.

17 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that pursuant to NRS
18 14.015(5), Plaintiff shall record a copy of this Order (or other appropriate notice) canceling the
19 Notices of Pendency of Action or Lis Pendens', with the Clark County Recorder's Office within
20 five business days of its entry, and if there is a failure to do so, any party may record a copy of
21 this Order.

22 DATED this _27th day of February, 2012



UNITED STATES DISTRICT COURT JUDGE

23 SUBMITTED BY:

24 WRIGHT, FINLAY & ZAK, LLP

25 Donna M. Osborn, Esq.

26 Nevada Bar No. 006527

27 5532 South Fort Apache Road, Suite 110

28 Las Vegas, NV 89148

Attorneys for Defendants, Wells Fargo Bank, N.A.